

Amendment No. 3 to SB3127

**Berke
Signature of Sponsor**

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AMEND Senate Bill No. 3127*

House Bill No. 3298

by deleting all the language after the enacting clause of the printed bill and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 10, Part 1, is amended by adding the following as a new section:

Section 53-10-110.

(a) Any person dispensing a legend drug for an elder person shall include on the label of the container in which the legend drug is dispensed the indication or indications for which the drug is being prescribed if requested by the prescriber, patient or patient's caregiver and the prescriber, patient or patient's caregiver provides the indication or indications to the person dispensing the legend drug. For purposes of this section, "elder person" means any person who is sixty (60) years of age or older.

(b) Any person dispensing a legend drug shall not be liable in any civil action for any alleged injury resulting solely from:

(1) Failing to include the indication or indications on the label when not requested to do so by the prescriber, patient or patient's caregiver; or

(2) Reasonably relying upon the prescriber, patient or patient's caregiver in obtaining the indication or indications included on the label.

(c) No prescriber shall be liable for damages in any civil action solely:

(1) For refusing a patient or patient's caregiver's request to the prescriber that such prescriber request that the dispenser provide the indication or indications on the label of the legend drug container; or

(2) Alleging any cause of action for violation of the patient's privacy for complying with a patient or the patient's caregiver's request that such prescriber request that the dispenser provide the indication or indications on the label of the legend drug container; or

(3) For any incorrect information placed on the label of any legend drug by the dispenser pursuant to the terms of this section unless the dispenser only relied on information provided by the prescriber.

(d) The provisions of this section shall not apply to prescriptions dispensed for inpatients of a hospital, a nursing home or an assisted care living facility as defined in § 68-11-201 or inpatients or residents of a mental health hospital or residential facility licensed under title 33 or individuals incarcerated in a local, state or federal correctional facility.

(e) Nothing in this section shall limit in any manner the civil liability of any person guilty of willful or wanton misconduct, gross negligence, reckless conduct or criminal conduct.

SECTION 2. This act shall be known and may be cited as the "Improving Patient Safety through Medication Use Prescription Labeling Act of 2008".

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.